

Hawai'i State Association of Counties (HSAC)

Counties of Kaua'i, Maui, Hawai'i and City & County of Honolulu

74-5044 Ane Keohokalole Hwy, Bldg. A, Kailua-Kona, Hawai'i 96740 (808) 323-4267



A G E N D A

HSAC EXECUTIVE COMMITTEE MEETING

Monday, July 31, 2017, at 10:00 a.m. or soon thereafter

Honolulu Hale, Committee Meeting Room

530 South King Street

Honolulu, Hawaii 96813

I. CALL TO ORDER

II. APPROVAL OF AGENDA

III. MINUTES

- A. Minutes of the June 19, 2017 Executive Committee meeting

IV. REPORTS

A. Treasurer's Report

- 1. Treasurer's Report for June 2017

B. County Reports

- 1. City and County of Honolulu Report
- 2. County of Hawaii Report
- 3. County of Kauai Report
- 4. County of Maui Report

C. National Association of Counties (NACo) Report

- July 21-24, 2017 NACo Annual Conference – Franklin County, Ohio

D. Western Interstate Region (WIR) Report

E. Communications Report – Scott Ishikawa – Becker Communications

V. NEW BUSINESS

- Nationwide's consideration to submit proposals to provide services for all counties
- 2018 HSAC's Legislative Package
- Hawai'i State Legislature Special Session relating to the transient accommodations tax

VI. UNFINISHED BUSINESS



- A. 2017 Legislative Update and Plan for Lobbying Efforts (Bills still alive for next session)
- B. Status of Senate Concurrent Resolution 77, requesting the establishment of a bona fide agricultural producer task force to create a definition for the term bona fide agricultural producer, which was adopted by the Senate and the House of Representatives.
- C. Correspondence from U.S. Senator Mazie Hirono, relating to a draft resolution for consideration regarding potential cuts to federally funded Native Hawaiian programs and to strengthen these programs.

D. ANNOUNCEMENTS

- A. Scheduling the next meeting
- B. Other announcements

E. ADJOURNMENT

Hawai'i State Association of Counties (HSAC)

Counties of Kaua'i, Maui, Hawai'i and City & County of Honolulu

www.hicounties.com



MINUTES
HSAC EXECUTIVE COMMITTEE MEETING
June 19, 2017
Kōloa Landing Resort at Po'ipū
Kōloa, Hawai'i 96756

I. CALL TO ORDER

The HSAC Executive Committee was called to order by HSAC President and County of Maui Councilmember Stacy Crivello at 9:10 a.m. The following members comprising a quorum were present:

County of Maui: President Stacy Crivello,
County of Maui Councilmember

County of Hawai'i: Vice President Dru Kanuha
County of Hawai'i Councilmember

County of Kaua'i: Secretary Mel Rapozo,
County of Kaua'i Council Chair

City and County of Honolulu: Treasurer Ikaika Anderson,
City and County of Honolulu Councilmember

Others Present: Councilmember Robert Carroll, County of Maui
Councilmember Riki Hokama, County of Maui
Councilmember Kelly King, County of Maui
Councilmember Yuki Lei Sugimura, County of Maui
Council Chair Valerie Poindexter, County of Hawai'i
Councilmember Maile David, County of Hawai'i
Councilmember Karen Eoff, County of Hawai'i
Councilmember Eileen O'Hara, County of Hawai'i
Councilmember Tim Richards, County of Hawai'i
Councilmember Brandon Elefante, City & County of Honolulu
Councilmember Joey Manahan, City & County of Honolulu



Councilmember Arthur Brun, County of Kaua'i
Councilmember Derek S.K. Kawakami, County of
Kaua'i

Honolulu staff Brandon Mitsuda, Council Liaison,
Honolulu City Council Administrative Support
Services;
Honolulu staff Kamakana Watanabe, Office of
Council Services;
County of Maui staff Kit Zulueta, Communication
Director, Office of Council Services;
Kaua'i staff Aida Kawamura, Legislative Assistant,
Office of Council Services;

Scott Ishikawa, Becker Communications, Inc.

II. APPROVAL OF AGENDA

There being no objections, the agenda was approved as circulated.

III. MINUTES

A. Minutes of the May 30, 2017 HSAC Executive Committee meeting

Secretary Rapozo moved to approve the Minutes as circulated, seconded
by Treasurer Anderson, and unanimously carried.

IV. REPORTS

A. Treasurer's Report

1. Treasurer's Report for May 2017

Treasurer Anderson reported that HSAC started the month of May
with a balance of \$176,480.66, and had subtractions of \$12,418.52,
leaving an end balance for the month of May of \$164,604.06. See
attached worksheet for additional information.

There being no objections, the Treasurer's Report for May 2017
was approved.



B. County Reports

1. City & County of Honolulu Report. Treasurer Anderson reported on the update of Honolulu City Council meetings dated June 19, 2017, which is attached hereto and incorporated herein.
2. County of Hawai'i Report. Vice President Kanuha reported that the Hawai'i County Council recently passed the County's annual budget of \$490.8 million, which Mayor Kim signed. The budget included real property tax increases for all classes, except the Homeowners and Affordable Rental classes.
3. County of Kaua'i Report. Secretary Rapozo reported that the Kaua'i County Council passed the County's annual budget without increasing the real property tax rates. Mayor Carvalho proposed a nineteen cents across the board real property tax rate increase, but the Council was able to pass the budget without increasing the tax rates. Secretary Rapozo stated that he has been informed that Mayor Carvalho has returned the budget without his signature.

Secretary Rapozo thanked everyone for attending the HSAC Annual Conference on Kaua'i and for being present at the HSAC Executive Committee and General Membership meetings.

4. County of Maui Report. President Crivello extended Maui County Council's gracious mahalo to Secretary Rapozo and the Kaua'i staff who worked diligently on planning HSAC's annual conference. The Maui County Auditor released the audit report regarding County spending on pCards, and the report is available on the Maui County website. The Maui County Council also passed the annual County budget. Through the diligence and frugality of Budget Chair Hokama and the Budget Committee, a savings was created. The Council is working on a moratorium on sand mining because of community concerns with depletion of resources, and the median price of a single family home on Maui, no different from other locations, has reached the \$700,000 benchmark, highlighting the challenges in trying to provide "affordable" homes for local families. The Maui Metropolitan Organization has



considered the State's 2035 plan and determined a projected cost of \$3.1 billion for highway improvements.

There being no objections, the foregoing reports were received for the record.

C. National Association of Counties (NACo) Report.

President Crivello noted that the 2017 NACo Annual Conference is in Franklin County, Ohio on July 21-24, 2017. President Crivello requested that board members work with their staff to coordinate the omiyage. President Crivello also requested approval to host a Hawai'i delegation meeting with the 2nd Vice Presidential candidates for NACo.

Vice President Kanuha moved to approve HSAC hosting the 2nd Vice Presidential candidates to a meeting with the Hawai'i delegation in Franklin County, Ohio, seconded by Secretary Rapozo, and unanimously carried.

D. Western Interstate Region (WIR) Report.

Vice President Kanuha noted that a copy of his report is attached to the Agenda. Vice President Kanuha added that President Crivello, Maui Councilmember Sugimura, Maui Councilmember Carroll, Maui Councilmember Hokama, Hawai'i Councilmember Richards, Kaua'i Councilmember Kaneshiro, and City Councilmember Martin attended the recent WIR conference, which was hosted by Deschutes County, Sun River, Oregon.

There being no objections, the foregoing reports were received for the record.

V. NEW BUSINESS

- A. Receipt of Senate Concurrent Resolution 77, requesting the establishment of a bona fide agricultural producer task force to create a definition for the term bona fide agricultural producer, which was adopted by the Senate and the House of Representatives.



President Crivello noted that the subject resolution was passed during the last legislative session. Secretary Rapozo asked if HSAC's support is being requested or if the communication was just for informational purposes. President Crivello noted that there has been no additional request of HSAC.

Secretary Rapozo moved to receive the communication for the record, seconded by Vice President Kanuha, and unanimously carried.

- B. Honolulu City Council Resolution 17-87, adopted on April 26, 2017, approving Ikaika Anderson as HSAC representative and Joey Manahan as alternate.

There being no objections, the communication was received for the record.

- C. Maui County Council Resolution 17-90, adopted on June 2, 2017, approving nominees to the NACo and WIR Board of Directors.

There being no objections, the communication was received for the record.

- D. Honolulu City Council Resolution 17-135, adopted on June 7, 2017, approving nominees to the NACo and WIR Board of Directors.

There being on objections, the communication was received for the record.

- E. Hawai'i County Council Resolution 225-17 adopted on June 7, 2017, approving nominees to the NACo and WIR Board of Directors.

There being no objections, the communication was received for the record.

VI. OLD BUSINESS

- A. April and May report from HSAC Lobbyist Michael P. Victorino on legislative updates



President Crivello noted that copies of the report are available, and is attached hereto and incorporated herein.

There being no objections, the report was received for the record.

B. 2017 State Legislative Session update and discussion on lobbying efforts

President Crivello noted that this matter will take place during the General Membership meeting.

VII. ANNOUNCEMENTS

A. Scheduling of the next meeting.

President Crivello stated that Honolulu Hale may not be available for the proposed meeting date of Monday, July 19, 2017. She requested that staff work on finding a new venue and/or a new date for the next meeting.

B. Other announcements.

There were no other announcements.

VIII. ADJOURNMENT

The meeting was adjourned at 9:30 a.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mel Rapozo".

MEL RAPOZO, Secretary
Hawai'i State Association of Counties

Hawaii State Association of Counties
REVENUES COLLECTED AND EXPENSES PAID
 Period: May 1 through May 31, 2017

BEGINNING BALANCE				\$176,480.66
	May	FY 2017	FY 2017	
	2017	Year to Date	Budget	
REVENUES				
Membership Fees	\$0.00	\$43,680.00	\$43,680.00	
Conference Income	\$0.00	\$19,168.26	\$18,000.00	
Interest Income	\$2.92	\$25.18	\$28.00	
Corporate Sponsorship	\$0.00	\$0.00	\$0.00	
Miscellaneous	\$0.00	\$9.73	\$0.00	
NACo Prescription Drug	\$542.00	\$3,063.60	\$6,000.00	
Fund Balance, prior FY		\$0.00	\$107,164.00	
Total	\$544.92	\$65,946.77	\$174,872.00	
Total Receipts This Period				\$544.92
EXPENSES				
HSAC				
Executive Committee Travel-Air, Ground, Lodging & Membership	\$2,705.29	\$14,400.27	\$17,600.00	
Auditing Services	\$0.00	\$4,166.67	\$5,000.00	
Stationery	\$0.00	\$726.21	\$150.00	
Miscellaneous	\$588.29	\$10,712.78	\$2,000.00	
Online Quickbooks Monthly Fee	\$41.75	\$458.05	\$500.00	
Special Committees				
Travel	\$0.00	\$0.00	\$500.00	
Miscellaneous	\$0.00	\$0.00	\$100.00	
		\$0.00		
NACo				
Board Travel-Air, Ground, and Lodging	\$4,076.19	\$17,313.19	\$20,000.00	
Steering Committees Travel-Air, Ground & Lodging	\$0.00	\$0.00	\$6,000.00	
Promotional	\$0.00	\$0.00	\$250.00	
Dues	\$3,507.00	\$30,258.00	\$27,268.00	
Miscellaneous	\$0.00	\$3,442.20	\$1,000.00	
WIR				
WIR Travel-Air, Ground and Lodging	\$0.00	\$1,953.57	\$10,500.00	
WIR Promotional	\$0.00	\$0.00	\$0.00	
WIR Dues	\$0.00	\$0.00	\$3,804.00	
WIR Miscellaneous	\$0.00	\$0.00	\$1,000.00	
WIR 2015 Conference	\$0.00	\$0.00	\$0.00	
OTHER				
Adjustments for Travel and Related Expenses	\$0.00	\$0.00	\$6,295.00	
National Conference Fund	\$0.00	\$0.00	\$44,000.00	
Prescription Drug Scholarship Program	\$0.00	\$0.00	\$6,500.00	
County Leadership Institute Attendee	\$0.00	\$0.00	\$3,000.00	
Prescription Drug Promotion	\$0.00	\$0.00	\$5,000.00	
HSAC Promotion	\$1,500.00	\$14,868.96	\$11,505.00	
Total	\$12,418.52	\$98,299.90	\$171,972.00	
Total Expenses This Period				\$12,418.52
ENDING BALANCE				\$164,607.06

To: The Honorable Ikaika Anderson, Treasurer
From: Brandon Mitsuda, Council Liaison
Date: June 19, 2017
Re: Honolulu Report
Hawaii State Association of Counties Executive Committee Meeting

Update on Honolulu City Council Meetings

- The Honolulu City Council at our last Full Council Meeting on June 7, 2017 passed on Third Reading **Bill 46, CD1**: Relating to fees for use of municipal golf courses. (Amending the fees for the use of the City's golf courses.)
- The Honolulu City Council at our last Full Council Meeting on June 7, 2017 passed on Third Reading **Bill 68 (2016) CD1**: Relating to admission fees for the Honolulu Zoo. (Authorizing the Director Enterprise Services to set admission fees for the Honolulu Zoo.)
- The Honolulu City Council at our last Full Council Meeting on June 7, 2017 passed on Third Reading **Bill 10, CD1**: Relating to motor vehicle weight tax. (Increasing the motor vehicle weight tax.)
- The Honolulu City Council at our last Full Council Meeting on June 7, 2017 passed on Third Reading **Bill 12, CD2**: Relating to parking meters. (Amending the Traffic Code of the City and County of Honolulu, as set forth in Chapter 15 of the Revised Ordinances of Honolulu 1990, to enable the City to adjust parking meter time limits and rates in accordance with supply and demand.)
- The Honolulu City Council at our last Full Council Meeting on June 7, 2017 passed on Third Reading **Bill 28, CD1**: Relating to public transit. (Amending Chapter 13 of the Revised Ordinances of Honolulu 1990, to enable the City to amend the fare structure of TheBus and TheHandi-Van.)

Update on Honolulu City Council Meetings (Continued)

- The Honolulu City Council at our last Full Council Meeting on June 7, 2017 passed on Third Reading **Bill 30, CD1**: Relating to erosion, sediment, and pollution control. (Establishing a regulatory framework for attaining compliance with permit requirements and creating a source of funding that is needed to offset the City's cost in implementing new requirements for erosion control and water quality protection.)
- The Honolulu City Council at our last Full Council Meeting on June 7, 2017 passed on Third Reading **Bill 47 (2016)**: Relating to the Housing Code. (Amending the Housing Code, ROH Chapter 27, to further protect the health, safety, and welfare of the general public.)
- The Honolulu City Council at our last Full Council Meeting on June 7, 2017 passed on Third Reading **Bill 47**: Relating to incentives for accessory dwelling units production. (Extending the repeal date of Section 2, Section 3, and Section 5 of Ordinance 16-19.)
- The Honolulu City Council at our last Full Council Meeting on June 7, 2017 adopted **Resolution 17-145, CD 1**: Requesting City and State officials to work collaboratively to establish a homeless task force with the goal of improving and better coordinating enforcement activities relating to unlawful encampments.
- The Honolulu City Council at our last Full Council Meeting on June 7, 2017 adopted **Resolution 17-135**: Concurring with the Hawaii State Association of Counties nominations to the Board of Directors of the National Association of Counties and approving the Hawaii State Association of Counties nominations to the Western Interstate Region Board of Directors for Fiscal Year 2018.
- The Honolulu City Council at our last Full Council Meeting on June 7, 2017 adopted **Resolution 17-136, CD 1**: Urging the City Administration to work with the State Administration and the Hawaii Housing Finance and Development Corporation to develop projects using City Affordable Housing Fund and State Rental Housing Revolving Fund monies.

Update on Honolulu City Council Projects and Events

- The Honolulu City Council recently hosted the Mayor of a town in Maryland Mr. Jeffery Slavin to a tour of Honolulu Hale at the surrounding Honolulu Civic Grounds with the hope of fostering closer ties between our two communities.

Prepared by:
Mike Victorino
HSAC lobbyist

April 2017 Legislative Report

The Month of April opened with a lot optimistic bills still in place for HSAC. However that changes very quickly. Many of the Bills HSAC had placed on the Legislative table soon changed or would be killed.

Let me start with SB 562: Tort Liability for County Lifeguards

Judiciary and Labor Chair Senator Keith-Agaran and the Committee held hearing on March 1, 2017 and changed the **Permanent** to **4 years June 30, 2021** as their new sunset date. I alerted Kit to inform the HSAC Board on this development and wanted to hear if there was anything they wanted me to pursuit. In the meantime I lobbied the Senate members like Senator Rhoads, Espero, English, Baker, Harimoto, Dela Cruz, Ito and Chang for their support to make it permanent. Although very understanding, however they would wait to see what the house would come with. On March 29, 2017 I noticed that the House had not heard the bill and it was not schedule to be heard. On March 30, 2017 I enlisted the help of House Speaker Souki, Senator English, and Senate President Kouchi to request Chair of the House Judiciary Nishimoto hears the bill. I was advised that he had not intended to hear the Bill and let it sunset on June 30, 2017. Also contacted Kit, Scott, Stacy and others for immediate action.

After many attempts to contact Rep. Nishimoto on April 5, 2017 after a waiver to hear the bill was granted a hearing was held at 2PM and the new version was inserted to the bill. It was changed that only life guard on State Contracted Beach will have to be defended be the Attorney General's Office. I believe the Testimony of Robert (Bob) Toyofuku was changing point. It stated that most of the lifeguards were not employed by the State. That Act 170 was intended to protect the State from most claims. He also claims that HRS section 662-1 and also HRS 662-16 protects County Life guards so long they are providing services under contract at a designated State Beach Park.

That's SB 562, SD1, SSCR841 which was a big surprise to HSAC and all the Counties. On April 7th a Conference call was held on this matter. HSAC decided to use the Media and request Union assistance us and to do what they could do with the House Members. Not much more could be done at this time. Many of us are hoping the Conference committee would consider change it back to SB 562 SB1

Scott with Becker arranged and held a press conference with the Mayors (HCOM) and HSAC hoping to put public pressure on the Legislature. Even with the Attorney General Office Report showing the potential cost of these changes it, did not change any of the House member's minds. That did not work all though the press coverage was very good. (On a side note, I have not heard of a large public outcry. Oahu held a rally on April 14, 2017, with their Safety Ocean Personnel and others, however no great out pouring of dissatisfaction or public angry.) Then the Senate didn't assign a conference committee until April 26, 2017. However, at that point the committee then agreed to use the House version. Other Bill that was not heard was HB 311, 321, HB 514, and SB 303. Now the State, Counties, and Hospitality Industry will now become a target for possible legal action. Only the residents and Business of this State will bear the burden of the possible litigation. We the People Hawaii are the losers. I my opinion the Trail Attorneys beat us to the punch. The people of the State of Hawaii were screwed.

Then there is SB 1290 Relating to The Transient Accommodation Tax.

We start off the with Senate agreeing to increase the TAT allocation to the Counties to 108 million from the 93 million purposed in the upcoming fiscal budget On March 21, 2017 the House Tourism Committee Chair Rep, Richard Onishi makes changes to the Allocations back to 93 million with additional 2 million dollars to divided evenly amongst the Counties to study and command Homelessness in our Resort areas. Spoke to Rep. Onishi 6 times in March and April even after the Finance Committees final meetings held on March 30 & 31, 2017. Maui County Council Chair also testified at that hearing along with others with no success. Lobbied both side of the Legislature through the Month of April. Speaking to President Kouchi, Vice President Kidani, Ways and Means Chair Tokuda, Senators Wakai, Dela Cruz, English, Ruderman, Baker, Galuteria, Green, Inouye, Nishara, Ihara, Keith-Aragan, Harimoto, Kahele and Mercado-Kim. Senate President Kouchi assured me and other that he believe they would be able to put it back to 108 million. Way& Means Chairwoman stated that also. On the House side Speaker Souki, Speaker Emeritus Say, Vice Speaker Mizuno, Finance Chair Luke, Vice Chair Aquino, Tourism Chair Onishi along with Representatives Brower, McDermott, Lee, Choy, Oshiro, Woodson, Yamane, Har, DeCoite, Yamashita, Cachola, Cullen, Ing, Ito, McKelvey, Nakamura, Lee, Kong, Ward, Kobayashi, Saiki, Takayama, Tokioka, Ohno, Belatti, and Creagan. Then it came down to the Conference Committees. After 4 days start Apr. 20, 24, 26, 27, and 28 of extending the meetings, it was finally decided that the House Version would stand. Still holding out for a Miracle. Copy of final draft included.

Then the Rail kicks in and all hell broke loose. The real focus became apparent. The Final days of the session was focused on the Rail, change in leadership, and trying to make Senate or the House look as if they were the bad guys. An extension or special session was discussed, however at that date of this report neither side of the Legislator or the Governor wouldn't commit to it. The new leadership agree to a cooling off period and if both side would find a compromise

As for the other Bills that HSAC had submitted only Aerial Bill passed. All the rest died in committees. Very disappointing. A real sense of failure, respect, and believed understanding results of the changes. Agricultural Lands SB 698. Community Meetings SB 480, SB 880 and Public Meetings SB 952, SB 448 & HB 308. Then Bills for collective Bargaining, Adjudicated traffic fines, Appropriation for Emergency Services, Identification card for person with disabilities, and other were not introduced or heard this term.

I regret my failure this session. All though I really tried hard, a prevailing attitude between the State legislator's and HSAC remains devises. Please don't give up. Wish HSAC good luck in the future. The New House Speaker assured me that His doors are open and will continue to support the neighbor Islands. Speaker Saiki wants to build Bridges between The State Legislature and the Counties.

Hawai'i State Association of Counties (HSAC)

Counties of Kaua'i, Maui, Hawai'i and City & County of Honolulu

200 S. High Street, Wailuku, Hawaii 96793 (808) 270-7663

www.hicounties.com



2017 HSAC Legislative Package

1. **A bill for an act relating to government records**
To allow certain government records to be shared among councilmembers where no commitment to vote on the matter is made or sought.
2. **A bill for an act relating to important agricultural lands**
To allocate \$250,000 to the counties in the next two fiscal years for the identification and mapping of Important Agricultural Lands.
3. **A bill for an act relating to collective bargaining**
To allow a representative of each county council to participate as a non-voting member in bargaining unit negotiations, to allow each county council to receive updates on relevant bargaining unit negotiations, and to change the allocation of votes for Bargaining Units 11 and 12.
4. **A bill for an act relating to tort liability**
To delete the sunset provision for the liability exceptions for county lifeguards.
5. **A bill for an act relating to unadjudicated traffic fines**
To direct the traffic fines and forfeitures collected for uncontested traffic infractions to the county in which the citation was issued.
6. **A bill for an act making an appropriation for emergency medical services**
To appropriate funds to the Department of Health for Fiscal Year 2018 for the purchase of ambulance vehicles and the operational costs for ambulance units, including equipment, supplies, and personnel costs for State-certified emergency medical services personnel, for a 24-hour ambulance units for Kauai and Hawaii counties.
7. **A bill for an act relating to unmanned aerial vehicles**
To regulate operators of unmanned aircraft systems.
8. **A bill for an act relating to community meetings**
To enable councilmembers to freely attend community and educational meetings.
9. **A bill for an act relating to identification cards for persons with disabilities**
To allow persons with disabilities to indicate on their identification cards their disability.
10. **A bill for an act relating to transient accommodations tax**
To implement the recommendations of the State-County Functions Working Group relating to the transient accommodations tax.

All bills are available at www.hicounties.com.

STAND. COM. REP. NO. 1765Honolulu, Hawaii
, 2017RE: S.B. No. 1290
S.D. 2
H.D. 2

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sir:

Your Committee on Finance, to which was referred S.B. No. 1290,
S.D. 2, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE TRANSIENT ACCOMMODATIONS
TAX,"

begs leave to report as follows:

The purpose of this measure is to allocate \$2,000,000 from transient accommodations tax revenues to the Hawaii Tourism Authority working in conjunction with the Hawaii Lodging and Tourism Association for the implementation of initiatives to address homelessness in tourist and resort areas.

The Hawaii Lodging and Tourism Association, Kohala Coast Resort Association, Poipu Beach Resort Association, Napili Kai Beach Resort, IMUAlliance, and two concerned individuals supported this measure. Honolulu City Council and Kauai County Council opposed this measure. The Department of Budget and Finance, County of Maui Mayor, County of Hawaii Mayor, Maui County Council, Hawaii County Council, Office of the Mayor of the City and County of Honolulu, Hawaii State Association of Counties, Tax Foundation of Hawaii, Kihei Community Association, Kauai Chamber of Commerce, and Hawaii Council of Mayors provided comments.

Your Committee has amended this measure by:

(1) Changing the transient accommodations tax revenue allocations as follows:

(A) Changing the new allocation for the Hawaii Tourism Authority for the implementation of initiatives to address homelessness to an unspecified amount; and

(B) Changing the existing allocation of \$93,000,000 to an unspecified amount to the counties; and

(2) Making technical nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1290, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1290, S.D. 2, H.D. 2.

Respectfully submitted on behalf
of the members of the Committee
on Finance,

SYLVIA LUKE, Chair

THE SENATE
TWENTY-NINTH LEGISLATURE, 2017
STATE OF HAWAII

S.B. NO. 303

A BILL FOR AN ACT

RELATING TO INDEMNIFICATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Section 662-16, Hawaii Revised Statutes, is amended to read as follows:

"§662-16 **Defense of state employees.** The attorney general may defend any civil action or proceeding brought in any court against any employee of the State for damage to property or for personal injury, including death, resulting from the act or omission of any state employee while acting within the scope of the employee's employment. The employee against whom such civil action or proceeding is brought shall deliver within the time after the date of service or knowledge of service as determined by the attorney general, all process or complaint served upon the employee or an attested true copy thereof to the employee's immediate superior or to whomever was designated by the head of the employee's department to receive such papers and such person shall promptly furnish copies of the pleadings and process therein to the department of the attorney general.

No judgment by default shall be entered against a state employee based on a cause of action arising out of an act or omission of such employee while acting within the scope of the

employee's employment unless the department of the attorney general has received a copy of the complaint or other relevant pleadings and a period of twenty days has elapsed from the date of such receipt.

The attorney general may also defend any civil action or proceeding brought in any court against a county based on an allegedly negligent or wrongful act or omission of persons employed by a county as lifeguards and designated to provide lifeguard services at a designated state beach park under an agreement between the State and a county. For such civil action or proceeding against a county that the attorney general defends, the State shall also indemnify that county.

The attorney general may also defend any civil action or proceeding brought in any court against any provider of medical, dental, or psychological services pursuant to contract with the department of public safety when the provider is sued for acts or omissions within the contract's scope of work."

SECTION 2. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY: _____

Report Title:

State Tort Liability Act; Lifeguards; Indemnity; County

Description:

Requires that if the attorney general defends against a civil action brought against a county for a negligent or wrongful act or omission by a county lifeguard who is designated to provide lifeguard services at a state beach park under an agreement between the State and that county, the State shall indemnify that county.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.



Bill Text: HI HB514 | 2017 | Regular Session | Introduced Hawaii House Bill 514 (*Adjourned Sine Die*)

Bill Title: Relating To Indemnification.

Spectrum: Partisan Bill (Democrat 1-0)

Status: (*Introduced*) 2017-01-25 - Referred to JUD, FIN, referral sheet 3 [HB514 Detail]

Download: [Hawaii-2017-HB514-Introduced.html](#)

HOUSE OF REPRESENTATIVES
TWENTY-NINTH LEGISLATURE, 2017
STATE OF HAWAII

H.B. NO. 514

A BILL FOR AN ACT

RELATING TO INDEMNIFICATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Section 662-16, Hawaii Revised Statutes, is amended to read as follows:

"§662-16 Defense of state employees. The attorney general may defend any civil action or proceeding brought in any court against any employee of the State for damage to property or for personal injury, including death, resulting from the act or omission of any state employee while acting within the scope of the employee's employment. The employee against whom such civil action or proceeding is brought shall deliver within the time after the date of service or knowledge of service as determined by the attorney general, all process or complaint served upon the employee or an attested true copy thereof to the employee's immediate superior or to whomever was designated by the head of the employee's department to receive such papers and such person shall promptly furnish copies of the pleadings and process therein to the department of the attorney general.

No judgment by default shall be entered against a state employee based on a cause of action arising out of an act or omission of such employee while acting within the scope of the employee's employment unless the department of the attorney general has received a copy of the complaint or other relevant pleadings and a period of twenty days has elapsed from the date of such receipt.

The attorney general may also defend any civil action or proceeding brought in any court against a county based on an allegedly negligent or wrongful act or omission of persons employed by a county as lifeguards and designated to provide lifeguard services at a designated state beach park under an agreement between the State and a county. For such civil action or proceeding against a county that the attorney general defends, the State shall also indemnify that county.

The attorney general may also defend any civil action or proceeding brought in any court against any provider of medical, dental, or psychological services pursuant to contract with the department of public safety when the provider is sued for acts or omissions within the contract's scope of work."

SECTION 2. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY: _____

Report Title:

State Tort Liability Act; Lifeguards; Indemnity; County

Description:

Requires that if the attorney general defends against a civil action brought against a county for a negligent or wrongful act or omission by a county lifeguard who is designated to provide lifeguard services at a state beach park under an agreement between the State and that county, the State shall indemnify that county.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.



Bill Text: HI SB698 | 2017 | Regular Session | Amended Hawaii Senate Bill 698 (*Adjourned Sine Die*)

Bill Title: Relating To Agricultural Lands.

Spectrum: Partisan Bill (Democrat S-0)

Status: (*Engrossed*) 2017-03-24 - Passed Second Reading as amended in HD 1 and referred to the committee(s) on JUD with Representative(s) LoPresti voting aye with reservations; none voting no (0) and Representative(s) Aquino, DeCoite, Har, Ichiyama, C. Lee, Thielen excused (6). [SB698 Detail]

Download: Hawaii-2017-SB698-Amended.html

THE SENATE
TWENTY-NINTH LEGISLATURE, 2017
STATE OF HAWAII

S.B. NO. 698
S.D. 2
H.D. 1

A BILL FOR AN ACT

RELATING TO AGRICULTURAL LANDS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Section 205-4.5, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) Uses not expressly permitted in subsection (a) shall be prohibited, except the uses permitted as provided in sections 205-6 and 205-8, and construction of single-family dwellings on lots existing before June 4, 1976. Any other law to the contrary notwithstanding, no subdivision of land within the agricultural district with soil classified by the land study bureau's detailed land classification as overall (master) productivity rating class A or B shall be approved by a county unless those A and B lands within the subdivision are made subject to the restriction on uses as prescribed in this section and to the condition that the uses shall be primarily in pursuit of an agricultural activity.

Upon final subdivision, sale, or lease, the owner or occupier shall provide written notice to the land use commission of the agricultural uses or activities for which the agricultural lands were subdivided, sold, or leased. Such written notification shall be provided to the land use commission within thirty days of the subdivision, sale or lease.

Any deed, lease, agreement of sale, mortgage, or other instrument of conveyance covering any land within the agricultural subdivision shall expressly contain the restriction on uses and the condition, as prescribed in this section that these restrictions and conditions shall be

encumbrances running with the land until such time that the land is reclassified to a land use district other than agricultural district.

If the foregoing requirement of encumbrances running with the land jeopardizes the owner or lessee in obtaining mortgage financing from any of the mortgage lending agencies set forth in the following paragraph, and the requirement is the sole reason for failure to obtain mortgage financing, then the requirement of encumbrances shall, insofar as such mortgage financing is jeopardized, be conditionally waived by the appropriate county enforcement officer; provided that the conditional waiver shall become effective only in the event that the property is subjected to foreclosure proceedings by the mortgage lender.

The mortgage lending agencies referred to in the preceding paragraph are the Federal Housing Administration, Federal National Mortgage Association, Veterans Administration, Small Business Administration, United States Department of Agriculture, Federal Land Bank of Berkeley, Federal Intermediate Credit Bank of Berkeley, Berkeley Bank for Cooperatives, and any other federal, state, or private mortgage lending agency qualified to do business in Hawaii, and their respective successors and assigns."

SECTION 2. Section 205-12, Hawaii Revised Statutes, is amended to read as follows:

"§205-12 Enforcement. ~~[(The)]~~ (a) Except with regard to the enforcement of any conditions, restrictions, uses, or the subdivision of agricultural land, the appropriate officer or agency charged with the administration of county zoning laws shall enforce within each county the use classification districts adopted by the land use commission ~~[(and the restriction on use and the condition relating to agricultural districts under section 205-4.5 and shall report to the commission all violations)].~~

(b) The land use commission shall have jurisdiction over the investigation and enforcement of any violation of any conditions, restrictions, or uses of agricultural lands. Any person may report a violation of section 205-4.5 to the land use commission.

(c) The land use commission may enter the property upon the investigation of a violation, and upon reasonable notice to the owner or occupier, to investigate for violations of and noncompliance with the terms of a land use classification reported under subsection (a); provided that if entry is refused after reasonable notice is given, the land use commission may apply to the district court of the circuit in which the property is located for a warrant, directed to any police officer of the circuit, commanding the police officer to provide sufficient aid and to assist the land use commission in gaining entry onto the property to investigate exempted agricultural buildings for compliance with the requirements of this section.

(d) If a landowner or occupier does not comply with any decision and order of the land use commission, or any provision thereof, the land use commission may issue a cease and desist order, subpoena the landowner or occupier before the commission for further proceedings, or both.

(e) If the land use commission finds that any violation has occurred, the land use commission may issue citations and assess fines and liens on the property. The land use commission shall adopt rules pursuant to chapter 91 to effectuate the purposes of this section."

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect on July 1, 2050.

Report Title:

Agricultural Lands; Subdivision; Right to Enter; Notice

Description:

Requires an owner or occupier of agricultural land to notify the Land Use Commission of the agricultural uses for which land was subdivided. Grants the Commission enforcement authority over conditions, restrictions, uses, and subdivision of agricultural lands, including the right to enter and inspect lands, issue orders, and impose fines or liens for violations. (SB698 HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.



Bill Text: HI SB480 | 2017 | Regular Session | Introduced Hawaii Senate Bill 480 (*Adjourned Sine Die*)

Bill Title: Relating To Community Meetings.

Spectrum: Partisan Bill (Democrat 1-0)

Status: (Introduced) 2017-01-23 - Referred to JDL/PSM. [SB480 Detail]

Download: Hawaii-2017-SB480-Introduced.html

THE SENATE
TWENTY-NINTH LEGISLATURE, 2017
STATE OF HAWAII

S.B. NO. 480

A BILL FOR AN ACT

RELATING TO COMMUNITY MEETINGS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Section 92-2.5, Hawaii Revised Statutes, is amended to read as follows:

"§92-2.5 Permitted interactions of members. (a) Two members of a board may discuss between themselves matters relating to official board business to enable them to perform their duties faithfully, as long as no commitment to vote is made or sought and the two members do not constitute a quorum of their board.

(b) Two or more members of a board, but less than the number of members which would constitute a quorum for the board, may be assigned to:

(1) Investigate a matter relating to the official business of their board; provided that:

(A) The scope of the investigation and the scope of each member's authority are defined at a meeting of the board;

(B) All resulting findings and recommendations are presented to the board at a meeting of the board; and

(C) Deliberation and decisionmaking on the matter investigated, if any, occurs only at a duly noticed meeting of the board held subsequent to the meeting at which the findings and recommendations of the investigation were presented to the board; or

(2) Present, discuss, or negotiate any position which the board has adopted at a meeting of the board; provided that the assignment is made and the scope of each member's authority is defined at a meeting of the board prior to the presentation, discussion, or negotiation.

(c) Discussions between two or more members of a board, but less than the number of members which would constitute a quorum for the board, concerning the selection of the board's officers may be conducted in private without limitation or subsequent reporting.

(d) Board members present at a meeting that must be canceled for lack of quorum or terminated pursuant to section 92-3.5(c) may nonetheless receive testimony and presentations on items on the agenda and question the testifiers or presenters; provided that:

- (1) Deliberation or decisionmaking on any item, for which testimony or presentations are received, occurs only at a duly noticed meeting of the board held subsequent to the meeting at which the testimony and presentations were received;
- (2) The members present shall create a record of the oral testimony or presentations in the same manner as would be required by section 92-9 for testimony or presentations heard during a meeting of the board; and
- (3) Before its deliberation or decisionmaking at a subsequent meeting, the board shall:

(A) Provide copies of the testimony and presentations received at the canceled meeting to all members of the board; and

(B) Receive a report by the members who were present at the canceled or terminated meeting about the testimony and presentations received.

(e) ~~Two~~ Except as otherwise provided in subsection (i), two or more members of a board, but less than the number of members which would constitute a quorum for the board, may attend an informational meeting or presentation on matters relating to official board business, including a meeting of another entity, legislative hearing, convention, seminar, or community meeting [+] open to the public; provided that the meeting or presentation is not specifically and exclusively organized for or directed toward members of the board. The board members in attendance may participate in discussions, including discussions among themselves; provided that the discussions occur during and as part of the informational meeting or presentation; and provided further that no commitment relating to a vote on the matter is made or sought.

At the next duly noticed meeting of the board, the board members shall report their attendance and the matters presented and discussed that related to official board business at the informational meeting or presentation.

(f) Discussions between the governor and one or more members of a board may be conducted in private without limitation or subsequent reporting; provided that the discussion does not relate to a matter over which a board is exercising its adjudicatory function.

(g) Discussions between two or more members of a board and the head of a department to which the board is administratively assigned may be conducted in private without limitation; provided that the discussion is limited to matters specified in section 26-35.

(h) Communications, interactions, discussions, investigations, and presentations described in this section are not meetings for purposes of this part.

(i) Notwithstanding section 92-3.1(b), for meetings described in subsection (e), the limitation on number of attendees shall not apply to members of a county council."

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY: _____
By Request

Report Title:

Maui County Package; Sunshine Law; County Council; Community Meetings; Boards and Commissions

Description:

Allows any number of County Council members to attend informational meetings or presentations on matters relating to official board business. Allows two or more members of other boards, but less than what would constitute a quorum, to attend a community meeting open to the public.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.



Bill Text: HI SB860 | 2017 | Regular Session | Introduced Hawaii Senate Bill 860 (*Adjourned Sine Die*)

Bill Title: Relating To Public Agency Meetings.

Spectrum: Partisan Bill (Democrat 1-0)

Status: (*Introduced*) 2017-01-25 - Referred to GVO/JDL. [SB860 Detail]

Download: Hawaii-2017-SB860-Introduced.html

THE SENATE
TWENTY-NINTH LEGISLATURE, 2017
STATE OF HAWAII

S.B. NO. 860

A BILL FOR AN ACT

RELATING TO PUBLIC AGENCY MEETINGS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Section 92-2.5, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) Discussions between two or more members of a board [~~but less than the number of members which would constitute a quorum for the board,~~] concerning the selection of the board's officers may be conducted in private without limitation or subsequent reporting."

SECTION 2. Statutory material to be repealed is bracketed and stricken.

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY: _____

Report Title:

Sunshine Law; Board Meetings; Permitted Interactions of Members; Board Officers

Description:

Allows two or more members, without limitation on the number of members, of a board to discuss the selection of the board's officers in private without limitation or subsequent reporting.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.



Bill Text: HI SB448 | 2017 | Regular Session | Introduced Hawaii Senate Bill 448 (*Adjourned Sine Die*)

Bill Title: Relating To Public Agency Meetings.

Spectrum: Partisan Bill (Democrat 1-0)

Status: (Introduced) 2017-01-23 - Referred to JDL. [SB448 Detail]

Download: Hawaii-2017-SB448-Introduced.html

THE SENATE
TWENTY-NINTH LEGISLATURE, 2017
STATE OF HAWAII

S.B. NO. 448

A BILL FOR AN ACT

RELATING TO PUBLIC AGENCY MEETINGS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Section 92-2.5, Hawaii Revised Statutes, is amended to read as follows:

"§92-2.5 Permitted interactions of members. (a) Two members of a board may discuss between themselves matters relating to official board business to enable them to perform their duties faithfully, as long as no commitment to vote is made or sought and the two members do not constitute a quorum of their board.

(b) Two or more members of a board, but less than the number of members ~~which~~ that would constitute a quorum for the board, may be assigned to:

(1) Investigate a matter relating to the official business of their board; provided that:

(A) The scope of the investigation and the scope of each member's authority are defined at a meeting of the board;

(B) All resulting findings and recommendations are presented to the board at a meeting of the board; and

(C) Deliberation and decisionmaking on the matter investigated, if any, occurs only at a duly noticed meeting of the board held subsequent to the meeting at which the findings and recommendations of the investigation were presented to the board; or

(2) Present, discuss, or negotiate any position ~~which~~ that the board has adopted at a meeting of the board; provided that the assignment is made and the scope of each member's authority is defined at a meeting of the board prior to the presentation, discussion, or negotiation.

(c) Discussions between two or more members of a board, but less than the number of members ~~which~~ that would constitute a quorum for the board, concerning the selection of the board's officers may be conducted in private without limitation or subsequent reporting.

(d) Board members present at a meeting that must be canceled for lack of quorum or terminated pursuant to section 92-3.5(c) may nonetheless receive testimony and presentations on items on the agenda and question the testifiers or presenters; provided that:

(1) Deliberation or decisionmaking on any item, for which testimony or presentations are received, occurs only at a duly noticed meeting of the board held subsequent to the meeting at which the testimony and presentations were received;

(2) The members present shall create a record of the oral testimony or presentations in the same manner as would be required by section 92-9 for testimony or presentations heard during a meeting of the board; and

(3) Before its deliberation or decisionmaking at a subsequent meeting, the board shall:

(A) Provide copies of the testimony and presentations received at the canceled meeting to all members of the board; and

(B) Receive a report by the members who were present at the canceled or terminated meeting about the testimony and presentations received.

(e) Two or more members of a board, but less than the number of members ~~which~~ that would constitute a quorum for the board, may attend an informational meeting or presentation on matters relating to official board business, including a meeting of another entity, legislative hearing, convention, seminar, or community meeting; provided that the meeting or presentation is not specifically and exclusively organized for or directed toward members of the board. The board members in attendance may participate in discussions, including discussions among themselves; provided that the discussions occur during and as part of the informational meeting or presentation; and provided further that no commitment relating to a vote on the matter is made or sought.

At the next duly noticed meeting of the board, the board members shall report their attendance and the matters presented and discussed that related to official board business at the informational meeting or presentation.

(f) Discussions between the governor and one or more members of a board may be conducted in private without limitation or subsequent reporting; provided that the discussion does not relate to a matter over which a board is exercising its adjudicatory function.

(g) Discussions between two or more members of a board and the head of a department to which the board is administratively assigned may be conducted in private without limitation; provided that the discussion is limited to matters specified in section 26-35.

(h) A member of a board may provide other members of the board, by memorandum or other means of transmittal, with any government record for which disclosure is required by section 92F-12; provided that:

(1) No commitment relating to a vote on the matter is made or sought by the member of the board in the means of transmittal; and

(2) No additional discussion other than a statement describing the government record and the issue related to the government record shall be included in the transmittal.

~~(i)~~ (i) Communications, interactions, discussions, investigations, and presentations described in this section are not meetings for purposes of this part."

SECTION 2. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY: _____
By Request

Report Title:

Hawaii State Association of Counties Package; Public Agency Meetings; Permitted Interactions; Government Records

Description:

Allows board members to transmit government records to other board members under specified conditions.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent



Bill Text: HI HB308 | 2017 | Regular Session | Amended Hawaii House Bill 308 (*Adjourned Sine Die*)

Bill Title: Relating To Public Agency Meetings.

Spectrum: Partisan Bill (Democrat 1-0)

Status: (*Enrolled*) 2017-04-18 - Received notice of Senate conferees (Sen. Com. No. 680). [HB308 Detail]

Download: Hawaii-2017-HB308-Amended.html

HOUSE OF REPRESENTATIVES
TWENTY-NINTH LEGISLATURE, 2017
STATE OF HAWAII

H.B. NO. 308
H.D. 1
S.D. 2

A BILL FOR AN ACT

RELATING TO PUBLIC AGENCY MEETINGS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Section 92-2.5, Hawaii Revised Statutes, is amended to read as follows:

"§92-2.5 Permitted interactions of members. (a) Two members of a board may discuss between themselves matters relating to official board business to enable them to perform their duties faithfully, as long as no commitment to vote is made or sought and the two members do not constitute a quorum of their board.

(b) Two or more members of a board, but less than the number of members ~~(which)~~ that would constitute a quorum for the board, may be assigned to:

(1) Investigate a matter relating to the official business of their board; provided that:

- (A) The scope of the investigation and the scope of each member's authority are defined at a meeting of the board;
- (B) All resulting findings and recommendations are presented to the board at a meeting of the board; and
- (C) Deliberation and decisionmaking on the matter investigated, if any, occurs only at a duly noticed meeting of the board held subsequent to the meeting at which the findings and recommendations of the investigation were presented to the board; or

(2) Present, discuss, or negotiate any position ~~(which)~~ that the board has adopted at a meeting of the board; provided that the assignment is made and the scope of each member's authority is defined at a meeting of the board prior to the presentation, discussion, or negotiation.

(c) Discussions between two or more members of a board, but less than the number of members ~~(which)~~ that would constitute a quorum for the board, concerning the selection of the board's officers may be conducted in private without limitation or subsequent reporting.

(d) Board members present at a meeting that must be canceled for lack of quorum or terminated pursuant to section 92-3.5(c) may nonetheless receive testimony and presentations on items on the agenda and question the testifiers or presenters; provided that:

- (1) Deliberation or decisionmaking on any item, for which testimony or presentations are received, occurs only at a duly noticed meeting of the board held subsequent to the meeting at which the testimony and presentations were received;
- (2) The members present shall create a record of the oral testimony or presentations in the same manner as would be required by section 92-9 for testimony or presentations heard during a meeting of the board; and
- (3) Before its deliberation or decisionmaking at a subsequent meeting, the board shall:

(A) Provide copies of the testimony and presentations received at the canceled meeting to all members of the board; and

(B) Receive a report by the members who were present at the canceled or terminated meeting about the testimony and presentations received.

(e) Two or more members of a board, but less than the number of members ~~(which)~~ that would constitute a quorum for the board, may attend an informational meeting or presentation on matters relating to official board business, including a meeting of another entity, legislative hearing, convention, seminar, or community meeting; provided that the meeting or presentation is not specifically and exclusively organized for or directed toward members of the board. The board members in attendance may participate in discussions, including discussions among themselves; provided that the discussions occur during and as part of the informational meeting or presentation; and provided further that no commitment relating to a vote on the matter is made or sought.

At the next duly noticed meeting of the board, the board members shall report their attendance and the matters presented and discussed that related to official board business at the informational meeting or presentation.

(f) Discussions between the governor and one or more members of a board may be conducted in private without limitation or subsequent reporting; provided that the discussion does not relate to a matter over which a board is exercising its adjudicatory function.

(g) Discussions between two or more members of a board and the head of a department to which the board is administratively assigned may be conducted in private without limitation; provided that the discussion is limited to matters specified in section 26-35.

(h) A member of a county council may provide other members of the council any government record open to public inspection under chapter 92F; provided that:

- (1) The government record was created by a person other than an officer or employee of the county council;
- (2) No additional discussion is added to the government record other than a neutral statement in the transmittal that identifies the government record and the related matter of official business;
- (3) No commitment relating to a vote on the matter is made or sought;
- (4) The transmission of the government record between council members occurs during business hours and concurrently, the transmittal document and government record are filed in the council's office for public inspection;
- (5) The transmittal document and government record filed in the council's office shall be accessible to the public no less than twenty-four hours before any matter to which the record relates is discussed at a council meeting; and

~~(c) The transmittal document and government record filed in the council's office shall upon request be electronically mailed to requesters.~~

~~(d) Communications, interactions, discussions, investigations, and presentations described in this section are not meetings for purposes of this part."~~

SECTION 2. Section 279D-9, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) Participation by members of any other board in a meeting of a policy board shall be permitted interaction as provided in section ~~(22-2.5(b))~~ 22-2.5(1)."

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect on July 1, 2050; provided that on June 30, 2019, sections 1 and 2 of this Act shall be repealed and sections 22-2.5 and 279D-9(b), Hawaii Revised Statutes, shall be reenacted in the form in which they read on the day before the effective date of this Act.

Report Title:

Hawaii State Association of Counties Package; Public Agency Meetings; Permitted Interactions; Government Records; County Councils

Description:

Allows county council members to transmit certain government records to other county council members under specified conditions. Effective 7/1/2050. Sunsets on 6/30/2019. (SD2)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent



Bill Text: HI HB952 | 2017 | Regular Session | Introduced Hawaii House Bill 952 (*Adjourned Sine Die*)

Bill Title: Relating To Public Meetings.

Spectrum: Partisan Bill (Democrat 11-0)

Status: (Introduced) 2017-01-27 - Referred to JUD, referral sheet 4 [HB952 Detail]

Download: Hawaii-2017-HB952-Introduced.html

HOUSE OF REPRESENTATIVES
TWENTY-NINTH LEGISLATURE, 2017
STATE OF HAWAII

H.B. NO. 952

A BILL FOR AN ACT

RELATING TO PUBLIC MEETINGS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Section 92-2.5, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) Discussions between two or more members of a board[, ~~but less than the number of members which would constitute a quorum for the board,~~] concerning the selection of the board's officers may be conducted in private without limitation or subsequent reporting."

SECTION 2. Statutory material to be repealed is bracketed and stricken.

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY: _____

Report Title:

Public Meetings; Boards and Commissions; Selection of Board Officers

Description:

Allows two or more members of a board, including a quorum of the board, to discuss selection of board officers in private without limitation or subsequent reporting.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

Hawai'i State Association of Counties (HSAC)

Counties of Kaua'i, Maui, Hawai'i and City & County of Honolulu

200 S. High Street, Wailuku, Hawaii 96793 (808) 270-7665

www.hicounties.com



July 18, 2017

Councilmember Dru Kanuha, President
Hawaii State Association of Counties
Hawaii County Council
74-5044 Ane Keohokalole Hwy, Bldg. A
Kailua-Kona, HI, 96740

Dear President Kanuha:

SUBJECT: TREASURER'S REPORT FOR JUNE 2017

Attached please find a report of the Association's revenues and expenses for the period of June 1-30, 2017.

Malama Pono,

Ikaika Anderson
HSAC Treasurer

Attachment

Treasurer's Report for June 2017

HSAC started the month of June with a balance of \$164,607.06, and had subtractions of \$7,796 and we ended the month of June with a balance of \$156,813.69.

Hawaii State Association of Counties
REVENUES COLLECTED AND EXPENSES PAID
 Period: June 1 through June 30, 2017

BEGINNING BALANCE					\$164,607.06
	May	June	FY 2017	FY 2017	
	2017	2017	Year to Date	Budget	
REVENUES					
Membership Fees	\$0.00	\$0.00	\$43,680.00	\$43,680.00	
Conference Income	\$0.00	\$0.00	\$19,168.26	\$18,000.00	
Interest Income	\$2.92	\$2.63	\$27.81	\$28.00	
Corporate Sponsorship	\$0.00	\$0.00	\$0.00	\$0.00	
Miscellaneous	\$0.00	\$0.00	\$9.73	\$0.00	
NACo Prescription Drug	\$542.00	\$0.00	\$3,063.60	\$6,000.00	
Fund Balance, prior FY			\$0.00	\$107,164.00	
Total	\$544.92	\$2.63	\$65,949.40	\$174,872.00	
Total Receipts This Period					\$2.63
EXPENSES					
HSAC					
Executive Committee Travel-Air, Ground, Lodging & Membership	\$2,705.29	\$1,007.40	\$15,407.67	\$17,600.00	
Auditing Services	\$0.00	\$0.00	\$4,166.67	\$5,000.00	
Stationery	\$0.00	\$0.00	\$726.21	\$150.00	
Miscellaneous	\$588.29	\$0.00	\$10,712.78	\$2,000.00	
Online Quickbooks Monthly Fee	\$41.75	\$41.75	\$499.80	\$500.00	
Special Committees					
Travel	\$0.00	\$0.00	\$0.00	\$500.00	
Miscellaneous	\$0.00	\$0.00	\$0.00	\$100.00	
			\$0.00		
NACo					
Board Travel-Air, Ground, and Lodging	\$4,076.19	\$1,505.18	\$17,313.19	\$20,000.00	
Steering Committees Travel-Air, Ground & Lodging	\$0.00	\$0.00	\$0.00	\$6,000.00	
Promotional	\$0.00	\$0.00	\$0.00	\$250.00	
Dues	\$3,507.00	\$0.00	\$30,258.00	\$27,268.00	
Miscellaneous	\$0.00	\$0.00	\$3,442.20	\$1,000.00	
WIR					
WIR Travel-Air, Ground and Lodging	\$0.00	\$0.00	\$1,953.57	\$10,500.00	
WIR Promotional	\$0.00	\$0.00	\$0.00	\$0.00	
WIR Dues	\$0.00	\$0.00	\$0.00	\$3,804.00	
WIR Miscellaneous	\$0.00	\$0.00	\$0.00	\$1,000.00	
WIR 2015 Conference	\$0.00	\$0.00	\$0.00	\$0.00	
OTHER					
Adjustments for Travel and Related Expenses	\$0.00	\$0.00	\$0.00	\$6,295.00	
National Conference Fund	\$0.00	\$0.00	\$0.00	\$44,000.00	
Prescription Drug Scholarship Program	\$0.00	\$0.00	\$0.00	\$6,500.00	
County Leadership Institute Attendee	\$0.00	\$0.00	\$0.00	\$3,000.00	
Prescription Drug Promotion	\$0.00	\$0.00	\$0.00	\$5,000.00	
HSAC Promotion	\$1,500.00	\$5,241.67	\$14,868.96	\$11,505.00	
Total	\$12,418.52	\$7,796.00	\$99,349.05	\$171,972.00	
Total Expenses This Period					\$7,796.00
ENDING BALANCE					\$156,813.69

Council Chair
Mike White

Vice-Chair
Robert Carroll

Presiding Officer Pro Tempore
Stacy Crivello

Councilmembers
Alika Atay
Elle Cochran
Don S. Guzman
Riki Hokama
Kelly T. King
Yuki Lei K. Sugimura



Director of Council Services
Sandy K. Baz

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

July 23, 2017

Honorable Dru Kanuha, President
Hawaii State Association of Counties
74-5044 Ane Keohokalole Highway, Bldg B
Kailua-Kona, Hawai'i 96740

Dear President Kanuha:

SUBJECT: HAWAII STATE LEGISLATURE'S SPECIAL SESSION

May I request the matter relating to the Hawaii State Legislature's Special Session be placed on the next Hawaii State Association of Counties' agenda.

It is critical that a plan of action and lobbying strategy be developed before the planned August 28 through September 1 Special Session.

I am attaching a recent article that was published in *The Maui News* outlining some of my concerns, specifically relating to the transient accommodations tax.

Thank you for your consideration. If you have any questions, please do not hesitate to contact me or my staff at (808) 270-5507 or by e-mail at Mike.White@mauicounty.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike White", is written over a horizontal line.

MIKE WHITE
Council Chair

Enclosure

Special session threatens Neighbor Islands

By: Mike White

The Hawaii state Legislature has scheduled a special session to discuss the controversial topic of funding Honolulu's rail project. Planned for Aug. 28 through Sept. 1, the session could have serious consequences for Neighbor Island counties.

The legislative session ended in May without a funding mechanism for rail. The Senate voted to continue rail funding with a general excise tax surcharge for Oahu residents, but reduced the counties' share of transient accommodations tax from \$103 to \$93 million.

The House voted to maintain the counties' TAT share at \$103 million, but increase the tax on visitor accommodations by 1 percent, with the additional revenue funding rail.

Neither side would budge from their position, which resulted in a stalemate and now, a costly special legislative session.

All options are now on the table. One of the proposals continues to be an increase in the TAT, anywhere from 1 to 2.75 percent.

Increasing a tax on tourists seems like an easy way to close the funding gap. The problem however, is that TAT is applied on accommodations statewide, not just Oahu. Even thinking of this solution for rail without ample benefit to Neighbor Island counties is simply irresponsible.

Neighbor Islands receive absolutely no benefit from rail and neither will Waikiki, which generates most of Oahu's TAT revenue.

Increasing the TAT also has implications on the overall economy. Most visitors have a fixed budget for their vacation and an increase in the room tax will simply lead to less spending on restaurants, retail, and activities. Every 1 percent increase in the TAT sends approximately \$26.7 million to the state instead of remaining in the Neighbor Island communities.

Kauai, Maui, and Hawaii County generates 51 percent of TAT revenues (\$247 million) while Oahu generates 49 percent (\$237 million). Given this split distribution, any increases to the tax for rail should only apply to Oahu. It is unfair to expect Neighbor Islands to subsidize one of the most expensive projects in the state's history.

The redirection of funds will also further dilute the purpose of the tax, which is to provide counties the ability to maintain the infrastructure and services necessary to support a thriving visitor industry.

Counties have absorbed additional costs in recent years since the state has failed to provide a fair share of TAT funding. From 2007 to 2017, counties have incurred over \$260 million in cost increases for fire, police and parks, but have only seen an additional \$2.2 million from TAT revenues. Any gains have since been reduced, as the Legislature cut the counties annual TAT distribution from \$103 to \$93 million for fiscal year 2018. Meanwhile, during the same period, the state took for its operations over \$220 million.

These actions have forced counties to either raise property taxes or dip into contingency funds to balance their budget. In the end, the actions at the Legislature hit the pockets of residents despite the façade of only impacting visitors.

It is vital that the House dispense with the idea of increasing the TAT and instead focus on the Senate's proposal, which maintains Oahu's 0.5 percent excise tax surcharge for an additional 10 years, with no impacts on the Neighbor Islands.

As the special session approaches, I encourage Maui County residents to contact state legislators. Call or email them at reps@capitol.hawaii.gov and sens@capitol.hawaii.gov to let your voice be heard.

The Legislature must stop playing games and instead, make sound and fair decisions. They have already allowed the law which granted immunity for county lifeguards to expire on June 30. The counties are now liable to defend frontline personnel at our own cost, even at state beaches.

Another hit to the Neighbor Islands is unwarranted and we should have no part in picking up the cost of Honolulu's rail!

Mahalo.

** Mike White is chair of the Maui County Council. He holds the council seat for the Paia-Haiku-Makawao residency area. "Chair's 3 Minutes" is a weekly column to explain the latest news on county legislative matters. Go to mauicounty.us for more information.*

MAR 10 2017

SENATE RESOLUTION

URGING THE PUBLIC UTILITIES COMMISSION TO REQUIRE THAT ALL DOCUMENTS, TESTIMONY, AND VISUAL DISPLAYS SUBMITTED TO THE COMMISSION, IN CONNECTION WITH A DOCKET INCLUDE ACCURATE INFORMATION ON THE NET OR PROJECTED ENERGY GENERATION IN ADDITION TO THE NAMEPLATE CAPACITY.

1 WHEREAS, section 269-92, Hawaii Revised Statutes, requires
2 each electric utility company to establish a renewable portfolio
3 standard of one hundred percent of its net electricity sales by
4 December 31, 2045; and

5
6 WHEREAS, a statewide survey shows that eighty-five percent
7 of the public supports developing more sources of renewable
8 energy in Hawaii; and

9
10 WHEREAS, the Public Utilities Commission regulates all
11 chartered, franchised, certificated, and registered public
12 utility companies operating in the State; reviews and approves
13 rates, tariffs, charges and fees; determines the allowable rate
14 of earnings in establishing rates; issues guidelines concerning
15 the general management of franchised or certificated utility
16 businesses; and acts on requests for the acquisition, sale,
17 disposition or other exchange of utility properties, including
18 mergers and consolidations; and

19
20 WHEREAS, it has come to the attention of this body that
21 information made available to the public may be unclear on the
22 distinction between nameplate capacity and rated output; and

23
24 WHEREAS, renewable energy projects which lack clarity on
25 the ability of the project to produce energy may discourage
26 public support for the project; and

27
28 WHEREAS, the public has a right to accurate and readily
29 comprehensible information about energy projects in order to
30 submit informed testimony on a docket; and

31
32 WHEREAS, statewide wind production capacity is estimated to
33 be 171 megawatts by nameplate capacity but the actual energy



capacity is estimated to be only thirty-two percent of that amount; and

WHEREAS, for solar photovoltaics and wind power, the calculations of the nameplate capacity or rated output do not usually represent the actual energy generation; and

WHEREAS, the public can be misled due to a lack of awareness of the difference between a project's advertised nameplate capacity and a project's net energy generation; and

WHEREAS, net generation refers to the amount of gross electricity generation a generator produces minus the electricity used to operate the power plant such as fuel handling equipment, water pumps, combustion and cooling air fans; pollution control equipment; and other electricity needs; now, therefore,

BE IT RESOLVED by the Senate of the Twenty-ninth Legislature of the State of Hawaii, Regular Session of 2017, that the Public Utilities Commission is urged to require that all documents, testimony, and visual displays submitted to the Commission in connection with a docket include accurate information on the net or projected energy generation in addition to the nameplate capacity; and

BE IT FURTHER RESOLVED that all applicable discussions during public meetings of the Public Utilities Commission refer to the net or projected energy generation in addition to the nameplate capacity; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Governor; Director of Business, Economic Development, and Tourism; Chair of the Public Utilities Commission; and Hawaii State Energy Office.

OFFERED BY:

[Handwritten signatures: Ed Mirvie, [unclear], and Anna Mercader]



United States Senate
WASHINGTON, DC 20510-1104

COMMITTEE ON ARMED SERVICES
COMMITTEE ON ENERGY &
NATURAL RESOURCES
COMMITTEE ON THE JUDICIARY
COMMITTEE ON SMALL BUSINESS &
ENTREPRENEURSHIP
COMMITTEE ON VETERANS' AFFAIRS

March 31, 2017

The Honorable Stacy Crivello
President
Hawaii State Association of Counties
200 S. High Street
Wailuku, HI 96793

The Honorable Dru Kanuha
Vice President
Hawaii State Association of Counties
1055 Kinoole Street, Suite 101
Hilo, HI 96720

Aloha President Crivello and Vice President Kanuha:

I am writing to follow up on my meeting with members of the Hawaii State Association of Counties (HSAC) on February 27, 2017 in Washington, D.C. During the meeting, we discussed ways to collaborate to address concerns regarding potential cuts to federally funded Native Hawaiian programs and to strengthen these programs.

We agreed that public statements of support for Native Hawaiian programs from county legislators in Hawaii and other states would be helpful. To that end, attached for your consideration for passage is a draft resolution. Of course there are other actions that could and should be taken to provide a united front of support.

Please contact Shelby Boxenbaum of my office at 202-224-6361 if you have questions regarding this resolution or if we can be helpful in other ways.

Mahalo,


MAZIE K. HIRONO
United States Senator

WASHINGTON, D.C. OFFICE:
730 HART SENATE OFFICE BUILDING
WASHINGTON, DC 20510
(202) 224-6361



HAWAII OFFICE:
PRINCE JONAH KUHIO KALANIAN'OLE FEDERAL BUILDING
300 ALA MOANA BOULEVARD, RM 3-106
HONOLULU, HI 96850
(808) 522-8970
TOLL FREE (844) 478-3478



A RESOLUTION TO ACKNOWLEDGE THE IMPORTANCE OF MAINTAINING CRITICAL FEDERAL PROGRAMS FOR THE NATIVE HAWAIIAN COMMUNITY

Whereas, Native Hawaiians are the aboriginal, indigenous people who settled the Hawaiian archipelago as early as 300 A.D;

Whereas, the land that now comprises the State of Hawaii was once commanded by a monarchical government, established in 1810 under Kamehameha I;

Whereas, the Kingdom of Hawaii was recognized as an independent sovereign nation by foreign governments, entering in diplomatic relations with countries such as the United States;

Whereas, western influence throughout the Kingdom of Hawaii increased following first contact by Europeans in 1778, leading to devastating effects to the health, culture, and social conditions of Native Hawaiians;

Whereas, the Kingdom of Hawaii was illegally overthrown by a small group of non-Hawaiian residents of the Kingdom of Hawaii, along with citizens of the United States in 1893, resulting in the abolition of the sovereign government of the Native Hawaiian community;

Whereas, the Organic Act passed by Congress in 1900, established—

- a. Hawaii's territorial government; and
- b. defined the political structure and powers, along with the special trust relationship between the United States and Native Hawaiians;

Whereas, certain Alii, or chiefs established perpetual trusts for the benefit of Native Hawaiians;

Whereas, the Association of Hawaiian Civic Clubs was founded in 1918 by Prince Jonah Kūhiō Kalanianaʻole, delegate to the United States House of Representatives, for the purpose of advocating for the improved welfare of Native Hawaiians in culture, health, economic development, education, social welfare, and nationhood;

Whereas, in recognition of the depressed economic conditions of Native Hawaiians, Congress enacted the Hawaiian Homes Commission Act, 1920 which —

- a. designated 200,000 acres of land for exclusive homesteading and agricultural pursuits by native Hawaiians; and
- b. affirmed the trust relationship between the United States and the Native Hawaiian community;

Whereas, on March 18, 1959 Congress established an Act to Provide for the admission of Hawaii into the Union, dissolving the Territory of Hawaii, and establishing the State of Hawaii;

Whereas, on August 21, 1959 President Eisenhower issued a presidential proclamation formally accepting Hawaii into the Union;

Whereas, in 1981 Congress instructed the Office of Education to submit a comprehensive report on the status of Native Hawaiian education;

Whereas, the report released in 1983 and entitled the Native Hawaiian Educational Assessment Project, confirmed –

- a. Native Hawaiians scored below national benchmarks on standardized achievement tests;
- b. were disproportionately represented in many negative social and physical statistics, indicative of special educational needs; and
- c. had educational needs that were related to their unique cultural situation;

Whereas, in response to the failing health of Hawaii's indigenous population, language contained in the 1984 Supplemental Appropriations Act, directed the U.S. Department of Health and Human Services to conduct the first-ever comprehensive study of the health care needs of Native Hawaiians;

Whereas, results of the 1984 study indicated that Native Hawaiian communities were at a severe health disadvantage as compared to other ethnic groups in the State of Hawaii, prompting Congress to pass the Native Hawaiian Health Care Act in 1988 (renamed the Native Hawaiian Health Care Improvement Act, following reauthorization in 1992);

Whereas, the Native Hawaiian Health Care Improvement Act authorized the Native Hawaiian Health Board, Papa Ola Lokahi, to carry out a master health care plan with programs related to health promotion, disease prevention, and primary care services for Native Hawaiians;

Whereas, in 1988, Congress also passed the Native Hawaiian Education Act, addressing the unique educational needs of the Native Hawaiian community, along with the role of the federal government in empowering Native Hawaiian organizations to assist with those needs;

Whereas, in 1993, 100 years after the overthrow of the Kingdom of Hawaii, Congress enacted the Apology Resolution, in which it –

- a. apologized to Native Hawaiians on behalf of the people of the United States for the overthrow of the Kingdom of Hawaii;
- b. acknowledged the historical significance of that event, which resulted in the deprivation of the rights of Native Hawaiians to self-determination; and
- c. urged the President of the United States to support reconciliation efforts between the United States and Native Hawaiians;

Whereas, in 1996, the Native American Housing Assistance and Self-Determination Act (hereinafter referred to as NAHASDA) was passed in 1996, transforming the way American Indians and Alaska Natives were assisted in addressing affordable housing issues;

Whereas, NAHASDA was amended in 2000 to include Title VIII, which addresses the housing and related community development needs of Native Hawaiians, providing affordable housing assistance to low-income Native Hawaiians eligible to reside on Hawaiian home lands;

Whereas, the federal government has long recognized Native Hawaiians as a distinct indigenous group with which Congress has a special political, trust relationship similar to American Indian and Alaska Native groups, evident in the more than 150 enacted statutes aimed at improving the housing, health, education, and economic well-being of Native Hawaiians;

Whereas, reauthorization of critically necessary Native Hawaiian programs --

- a. is essential in helping to combat the devastating effects on the health, culture, and social conditions of Native Hawaiians; and
- b. shows continued progress by the United States in its affirmation of the special trust relationship with the Native Hawaiian community;

Whereas, Congress recognizes that Native Hawaiians share all of the attributes and needs common to other indigenous peoples and are entitled to any and all benefits extended to such population: Now, therefore, be it

Resolved, That Congress --

1. supports the continuation of Native Hawaiian programs at the federal level to ensure;
 - a. continued provision of services by the United States to meet the special needs of Hawaii's indigenous, Native Hawaiian population; and;
 - b. an ongoing acknowledgment of the special political, trust relationship between the United States and the Native Hawaiian community.